

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

WM CAPITAL MANAGEMENT, INC. AS
SUCCESSOR IN INTEREST TO THE
FEDERAL DEPOSIT INSURANCE
CORPORATION, AS RECEIVER FOR
EDGEBROOK BANK.

Plaintiff,

$$V.$$

STEVE K. DOBROBOV, and UNKNOWN
OWNERS AND NON-RECORD
CLAIMANTS,

Defendants.

Case No. 15-CV-8786

Motion to Dismiss Pursuant to Rule 12(b)(6)

NOW COMES the Defendant, Steve Dobrobov by his Attorney, Stephen D. Richek and as and for his Motion to Dismiss pursuant to Rule 12(b)(6) states as follows:

1. Illinois Supreme Court Rule 113 requires that the Plaintiff attach to the Complaint a copy of the note as it currently exists including all indorsements and allonges at time of filing.
2. In this case, the note attached is payable to Edgebrook Bank (Exhibit A attached) with no indorsement or allonge.
3. Since Edgebrook Bank is not the Plaintiff, there must be an indorsement or allonge either in blank or to the current Plaintiff, otherwise the current Plaintiff has no standing to pursue this case.

Wherefore, Defendant prays that this case be dismissed.

Respectfully Submitted,
Steve Dobrobov

By: /s/ Stephen Richek
Stephen D. Richek, His Attorney

Stephen D. Richek
Attorney for Defendant
111 W. Washington, Suite 1020
Chicago, Illinois 60602
(312) 375-6556